

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

INTERNATIONAL UNION,
UNITED MINE WORKERS OF
AMERICA, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:16-12506

CONSOL ENERGY, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before this court is defendant Consol Energy Inc.'s motion to dismiss the original complaint, filed on January 20, 2017. (ECF No. 13). On January 24, 2017, plaintiffs filed an amended complaint. (ECF No. 16).

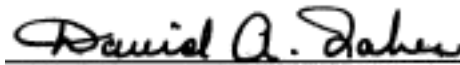
"As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect." Young v. City of Mt. Ranier, 238 F.3d 567, 572 (4th Cir. 2001). "It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot." Catlin Specialty Ins. Co. v. Jafrum International, Inc., Civil Action No. 3:14-CV-607-RJC-DCK, 2015 WL 10434683, *3 (W.D.N.C. Sept. 14, 2015) (recommending that district court deny as moot motion for judgment on the pleadings where leave to file amended complaint had been granted and amended complaint superseded earlier complaint); see also Sennott v. Adams, C/A No. 6:13-cv-02813-GRA,

2014 WL 2434745, *3 (D.S.C. May 29, 2014) ("Thus, a defendant's previous motion to dismiss is rendered moot when a plaintiff files an amended complaint."). Accordingly, the motion to dismiss is **DENIED** as moot.

The Clerk is directed to send copies of this Memorandum Opinion and Order to all counsel of record.

IT IS SO ORDERED this 11th day of September, 2017.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge